

# **Town of Rockport**

## **Detailed Application Guidelines for Community Preservation Funding**

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### **Eligible Uses**

Applicants are advised pursuant to Chapter 267 of the Acts of 2000 that the Town may use Community Preservation funds only for the following purposes:

- **ACQUISITION, CREATION AND PRESERVATION OF OPEN SPACE**
- **ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF HISTORIC RESOURCES**
- **CREATION, PRESERVATION AND SUPPORT OF COMMUNITY HOUSING**
- **ACQUISITION, CREATION, PRESERVATION, REHABILITATION AND RESTORATION OF LAND FOR RECREATIONAL USES**

### **Submissions**

Proposals for Community Preservation funding must be submitted using the attached instructions and application. All information requested on both the instructions and the application form must be included with the proposal. Pre-proposal consultation with the Community Preservation Committee in the form of attendance at applicant workshops is strongly encouraged.

The Community Preservation Committee will now accept applications and attachments in electronic format, which is preferred. Please submit the application electronically to the Rockport Town Clerk at [MWaddell@Rockportma.gov](mailto:MWaddell@Rockportma.gov) and also to the Community Preservation Committee Chairman at [RGeorge@Rockportma.gov](mailto:RGeorge@Rockportma.gov).

Applicants who do not have access to electronic means may continue to submit twelve copies to the Town Clerk's office.

The deadline for either form of submission is 4PM on the first Monday of February of each year.

For further information about the application process, contact the Chairperson.

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as amended by SB 2343 (July 2002), HB 3944 (July 2003), HB 4709 (December 2004), HB 1680 (March 2006), SB 167 (September 2006), and SB 2725 (December 2006)

Town of Rockport  
Community Preservation Committee

## **Review by the Community Preservation Committee**

The Committee will review all applications for completeness. Applicants will be notified if additional information will be required. Incomplete applications may be rejected from the current round of funding at the sole discretion of the Committee.

The Committee will schedule a series of public meetings at which Applicants will present the scope and details of the project and respond to questions from the Committee and the public.

## **Technical Assistance**

The Community Preservation Committee provides technical assistance to applicants to assure that each submitted application can provide the necessary information and level of detail so that if approved projects can be forwarded to Town Meeting with confidence that funds will be expended in the most effective manner. The Consultant provided by the CPC will work directly with the applicant to review the material provided with the application and to identify any gaps that need to be added to the application.

## **Funding Decisions**

Following the public meetings, a public hearing will be scheduled by the Committee at which time a determination of project approval will be made by majority vote of the Committee. Successful projects will be included on a warrant article for public approval at the regular Fall Town Meeting.

- **CATEGORY: ACQUISITION, CREATION AND PRESERVATION OF OPEN SPACE**

"Open space", shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

Community preservation funds may potentially be used to increase Town-owned open space by outright purchase, or control over privately held property by extinguishing or limiting development rights through the purchase of permanent conservation or agricultural preservation easements or restrictions.

Applicants should consider the need for a multi-phase approach to funding acquisitions or preparation and approval of legal covenants as outlined herein. While this is not a mandatory requirement land acquisition costs could limit the Committee's ability to approve funding. Expenditures on activities such as legal consultation and document preparation would be rendered unnecessary if a project is found to be not economically viable within budget of available CPA funds. If an applicant determines due to external factors (i.e. an Owner's predisposition to sell, land availability, market forces etc.) that the project is only feasible if all work is funded in a single year provide a complete breakdown of all tasks and anticipated costs organized sequentially (including meetings with the Committee) indicating logical termination points if the project is ultimately deemed not practical. Supplemental funding sources may allow for a single acquisition scenario and should be clearly identified and detailed within the application paperwork. Applicants should anticipate a breakdown of tasks/costs as follows:

#### **Phase 1 – Pre-acquisition Costs**

**Applications should include the following:**

1. A letter from the current property owner indicating their willingness to offer the subject property to the Town (unless already listed for sale) or to enter into a deed restriction with the Town.
2. A complete market analysis for the property.
3. A narrative description of how the proposed acquisition or restriction figures into or is part of previously completed or ongoing planning by the Town relating to open space, recreation, watershed, water supply, etc.
4. A written description of the property and copies of current deed as well as any potential legal or regulatory concerns including but not limited to easements, licenses, rights-of-way, liens, environmental issues, or other encumbrances

**Applications should anticipate funding requests for preparation of:**

1. A complete title analysis of the property.

2. An instrument survey of the property showing all metes and bounds, abutting properties, roads, paths, or other improvements, existing wetlands, streams, ponds, and the like.

## **Phase 2 – Acquisition Costs**

### **Applications should include the following:**

1. A draft of the proposed purchase and sale agreement or deed restriction for review by Town Counsel including the final asking price for the property.
2. Identification of other sources of funding either committed or anticipated.
3. A letter of support from the Board of Selectman indicating their agreement that said acquisition is in the long-term best interest of the Town.

- **CATEGORY: ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF HISTORIC RESOURCES**

"**Historic resources**", a building, structure, vessel, real property, document or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.

Community Preservation funds may potentially be used for the preservation, restoration and rehabilitation of historic resources (in particular Town-owned historic resources), but not for routine maintenance. Investment in historic resources must be protected by a permanent historic preservation restriction and must provide public benefit. Acquisition of listed or eligible real property significant to the history of the Town is also allowed under the statute.

Applications of this nature should consider the need for a multi-phase approach to potential projects anticipating a breakdown of tasks/costs as follows:

**Phase 1 – Designer Selection and Preliminary Design**

**Applications pertaining to public property should include the following:**

1. Identification of the current or anticipated members of the requisite Designer Selection Board (DSB) as required by M.G.L. c. 7, §38A½-O, (building projects anticipated to cost over \$100,000.00 or projects where the design fee is anticipated to be in excess of \$10,000.00) or designer selection committee and their contact information.
2. Copies of the Request for Qualifications (RFQ) and contract issued by the DSB for procurement of design services.
3. A narrative outlining major milestones for design and construction of the project including but not necessarily limited to schematic design, design development, final design, bidding, and construction including scope of services and associated fees from the successful firm as selected by the DSB.
4. Identification of the Town's selected project manager as required by M.G.L. c. 149, §44A½(a), (for building projects anticipated to cost over \$1.5 million) and their contact information.

**Applications pertaining to private property should include the following:**

1. A narrative outlining major milestones for design and construction of the project including but not necessarily limited to schematic design, design development, final design, bidding, and construction including anticipated scope of consultant services, a listing of consultants by discipline and associated fees for services (actual or budgeted)
2. A letter stating that all work utilizing CPA funds will be procured in accordance with M.G.L. c. 149, §44A

**Applications (all) should anticipate funding requests for preparation of:**

1. Preparation of schematic design and design development documents including existing conditions drawings; an analysis of existing conditions; recommended stabilization, repairs, restoration, and reconstruction and draft specifications for the same.
2. Preparation of a detailed construction cost estimate for all anticipated work including identification of potential filed sub-bid categories as required by M.G.L. c. 149.

## **Phase 2 – Final Design and Construction**

### **Applications (all) should include the following:**

1. Completed Phase 1 work product for review by the Community Preservation Committee.
2. An updated narrative outlining major milestones for design and construction of the project including but not necessarily limited to design development, final design, bidding, and construction including scope of services and associated fees from the successful firm(s) as selected by the DSB (if applicable).
3. A report outlining potential construction phasing opportunities and a breakdown of costs associated with each phase.
4. A letter of support from the Historical Commission indicating their agreement that the project is in the long-term best interest of the Town.
5. Identification of the anticipated cost of construction and the amount to be funded with CPA funds.
6. A letter stating that all work utilizing CPA funds will be procured in accordance with M.G.L. c. 149, §44A
7. Identification of other sources of funding either committed or anticipated.
8. Identification of the required construction contingency to be carried through the construction phase.

### **Applications should anticipate funding requests for preparation of:**

1. Preparation of final design documents including construction drawings and specifications to be used for bidding.
2. Preparation of an updated construction cost estimate for all anticipated work.

- **CATEGORY: CREATION, PRESERVATION AND SUPPORT OF COMMUNITY HOUSING**

"**Community housing**", low and moderate income housing for individuals and families, including low or moderate income senior housing.

"**Low income housing**," housing for those persons and families whose annual income is less than 80 per cent of the area-wide median income. The area-wide median income shall be the area-wide median income as determined by the United States Department of Housing and Urban Development.

"**Low or moderate income senior housing**", housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing.

"**Moderate income housing**", housing for those persons and families whose annual income is less than 100 per cent of the area-wide median income. The area-wide median income shall be the area-wide median income as determined by the United States Department of Housing and Urban Development.

Community Preservation funds may be used for low interest loan programs to income-eligible first-time home buyers, for financial assistance to income-eligible home-owners, gap funding for non-profit community development corporations or for-profit developers, to match state or federal low-income housing grants, or for other "support" of community housing. The CPA's investment in community housing not owned by the Town should be protected by a permanent affordability restriction to the extent allowed by statute.

Applications of this nature should consider the need for a multi-phase approach to potential real property acquisitions anticipating a breakdown of tasks/costs as follows:

**Phase 1 – Predevelopment and Preliminary Design**

**Applications for property acquisition (with or without new construction or renovation projects) should include the following as applicable:**

1. A letter from the current property owner indicating their willingness to offer the subject property to the Town or the Rockport Housing Partnership, Inc., or another non-profit or for profit developer of qualifying housing (unless already listed for sale).
2. A complete market analysis for the property.
3. A narrative description of how the proposed acquisition figures into or is part of previously completed or ongoing planning by the Town relating to affordable housing.
4. Copies of completed environmental site assessments complying with M.G.L. c. 21E, if any contamination was suspected.
5. If the project includes an existing building(s) an assessment of the existing conditions and schematic design documents including floor plans and elevations of the proposed project.
6. Identification of the current or anticipated members of the requisite Designer Selection Board (DSB) as required by M.G.L. c. 7, §§38A½-O, (building projects anticipated to

- cost over \$100,000.00 or projects where the design fee is anticipated to be in excess of \$10,000.00) or designer selection committee and their contact information.
7. Copies of the Request for Qualifications (RFQ) and contract issued by the DSB for procurement of design services.
  8. A narrative outlining major milestones for design and construction of the project, including but not necessarily limited to schematic design, design development, final design, bidding, and construction including scope of services and associated fees from the successful firm as selected by the DSB.
  9. Identification of the Town's selected project manager as required by M.G.L. c. 149, §44A½(a), (for building projects anticipated to cost over \$1.5 million) and their contact information.

**Applications should anticipate funding requests for preparation of:**

1. A complete title analysis of the property, a written description of the property and copies of current deed as well as any potential legal or regulatory concerns including but not limited to easements, licenses, rights-of-way, liens, environmental issues, or other encumbrances.
2. Preparation of an instrument survey of the property showing all metes and bounds, abutting properties, roads, paths, or other improvements, existing wetlands, streams, ponds, and the like.
3. Preparation of an environmental site assessment complying with M.G.L. c. 21E, if any contamination is suspected and no existing report is available.
4. Identification of any required zoning relief necessary to allow the project to proceed.
5. Preparation of a detailed construction cost estimate for all anticipated work.
6. A letter of support from the Board of Selectman indicating their agreement that said acquisition is in the long term best interest of the Town.
7. A letter from the Rockport Housing Partnership, Inc. indicating their agreement that said acquisition is in the long term best interest of the Town.
8. Preparation of schematic design and design development documents (including if applicable; existing conditions drawings; an analysis of existing conditions; recommended stabilization, repairs, restoration, and reconstruction) and draft specifications for the same.
9. Preparation of a detailed construction cost estimate for all anticipated work including identification of potential filed sub-bid categories as required by M.G.L. c. 149, as applicable.
10. Alternative program planning and development activities receiving funding consideration under this category includes but is not limited to preparation of applications for Community Development Block Grants or preparation of an inclusionary zoning bylaw

**Phase 2 – Final Design and Construction**

**Applications should include the following:**

1. Completed Phase 1 work product for review by the Community Preservation Committee.
2. A draft of the proposed purchase and sale agreement for review by Town Counsel including the final asking price for the property.
3. An updated narrative outlining major milestones for design and construction of the project including but not necessarily limited to design development, final design, bidding and construction including scope of services and associated fees from the successful firm (if applicable) as selected by the DSB.
4. A report outlining potential construction phasing opportunities and a breakdown of costs associated with each phase.
5. Abatement costs if the property has been found to contain hazardous materials.
6. Identification of the anticipated cost of construction and the amount to be funded with CPA funds.
7. A letter stating that all work utilizing CPA funds will be procured in accordance with M.G.L. c. 149, §44A
8. Identification of other sources of funding either committed or anticipated.
9. Identification of the required construction contingency to be carried through the construction phase.

**Applications should anticipate funding requests for preparation of:**

1. Preparation of design final design documents including construction drawings and specifications to be used for bidding.
2. Preparation of an updated construction cost estimate for all anticipated work.

- **CATEGORY: RECREATION**

"Recreational use", active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. "Recreational use" shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

Applicants are advised ... "using CPA funds for rehabilitation or restoration of recreational land is permitted under the CPA, it is permitted only for those recreational lands which were originally acquired or created with CPA funds."

Applications of this nature should consider the need for a multi-phase approach to potential acquisitions anticipating a breakdown of tasks/costs as follows:

**Phase 1 – Preacquisition Costs**

**Applications should include the following:**

1. A letter from the current property owner indicating their willingness to offer the subject property to the Town (unless already listed for sale).
2. A complete market analysis for the property.
3. Copies of completed environmental site assessments complying with M.G.L. c. 21E, if any contamination was suspected.
4. A narrative description of how the proposed acquisition figures into or is part of previously completed or ongoing planning by the Town relating to open space, recreation, watershed, water supply, etc.

**Applications should anticipate funding requests for preparation of:**

1. A complete title analysis of the property, a written description of the property and copies of current deed as well as any potential legal concerns including but not limited to easements, licenses, rights-of-way, liens, environmental issues, or other encumbrances.
2. An instrument survey of the property showing all metes and bounds, abutting properties, roads, paths, or other improvements, existing wetlands, streams, ponds, and the like.
3. Preparation of an environmental site assessment complying with M.G.L. c. 21E, if any contamination is suspected and no existing report is available.

**Phase 2 – Acquisition and Site Improvement Costs**

**Applications should include the following:**

1. A draft of the proposed purchase and sale agreement for review by Town Counsel including the final asking price for the property.

2. A letter of support from the Board of Selectman indicating their agreement that said acquisition is in the long term best interest of the Town.
3. Abatement costs if the property has been found to contain hazardous materials.
4. Identification of the anticipated cost of construction and the amount to be funded with CPA funds.
5. A letter stating that all work utilizing CPA funds will be procured in accordance with M.G.L. c. 30B, §5, M.G.L. c. 30, §39M or M.G.L. c. 149, §44A as applicable.
6. Identification of other sources of funding either committed or anticipated.
7. Identification of the required construction contingency to be carried through the construction phase.

**Applications should anticipate funding requests for preparation of:**

1. Preparation of design documents including construction drawings and specifications to be used for bidding in accordance with M.G.L. c. 30B, §5, M.G.L. c. 30, §39M as applicable.
2. Preparation of a construction cost estimate for all anticipated site improvement work.
3. **Community Support:** What is the nature and level of support for this project? Include letters of support. Provide information about how the project will disseminate information on project goals, results, project partners and the sources of funding and other support provided.
4. **Timeline:** What is the schedule for project implementation, including a timeline for all critical elements?
5. **Credentials:** Identify the members of your project team and describe their relevant experience as it relates to the proposed project.
6. **Budget:** Provide a detailed breakdown of the total project budget identifying line item expenditures where CPA funds will be spent. All items of expenditure must be clearly identified and not just those where CPA funding is requested. Provide detail specifying if the funds will be used for acquisition, construction, legal, surveying, environmental, architectural, preservation, engineering, real estate or other professional consulting fees. Where actual requests for services have not yet been solicited the use of estimated costs is permitted. Applicants are required to finalize such costs through acquisition of necessary consulting services prior to the release of any CPA funds. Where projects are subject to compliance with statutory requirements for acquisition of such services please identify the applicable statutes and services being sought (see instructions).

7. **Other Funding Sources:** What additional funding sources are available, committed or under consideration? Include commitment letters, if available, and describe all other anticipated funding sources for the project.
8. **Maintenance:** If ongoing maintenance is required for your project, how will it be funded?

**ADDITIONAL INFORMATION:** Provide the following additional information, as applicable.

9. Evidence that appropriate professional standards will be followed if construction, restoration or rehabilitation is proposed. Evidence that the applicant has the proven or potential capacity to conduct the scope and scale of the proposed project, as evidenced by project leaders with appropriate qualifications and technical experience or access to necessary technical expertise.
10. Include assessor's map showing location of the project and photographs.